

**COPY**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
FILED  
IN CLERKS OFFICE

ALBERT WILLIAM BLEAU, JR.,

Plaintiff,

v.

GREATER LYNN MENTAL HEALTH &  
RETARDATION ASSOCIATION, et al.,

Defendants.

2005 JAN 28 P 3 25

U.S. DISTRICT COURT  
DISTRICT OF MASS.  
Case No. 04-10469JLT

**DEFENDANTS RODERICK MACLEISH, JR. AND ROBERT A. SHERMAN'S**  
**MOTION TO DISMISS**

Pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), defendants Roderick MacLeish, Jr. and Robert A. Sherman (together, the "Defendants") hereby move to dismiss the above-captioned action against them for lack of subject matter jurisdiction and for failure to state a claim upon which relief can be granted. In support thereof, the Defendants state that (1) all of the Plaintiff's federal question claims have been dismissed by this court, leaving only a state law defamation claim in Federal court where all the parties reside in the same State; and (2) Plaintiff's defamation claim is time barred by the applicable statute of limitations. In further support of their motion, the Defendants rely on their supporting memorandum of law, filed contemporaneously with this motion, and which is incorporated herein by reference in its entirety.

WHEREFORE, Roderick MacLeish, Jr. and Robert A. Sherman respectfully request that this Court enter an order dismissing the Plaintiff's defamation claim against them, with prejudice, and remove them from this lawsuit.

Respectfully submitted,

RODERICK MACLEISH, JR., and  
ROBERT A. SHERMAN,  
By their attorneys:



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Dated: January 28, 2005

**CERTIFICATION PURSUANT TO LOCAL RULE 7.1**

I hereby certify that a good faith attempt to resolve or narrow the issues raised in the above motion, pursuant to Local Rule 7.1(A)(2), was made with Plaintiff Albert W. Bleau, Jr. (*pro se*).



David G. Thomas

**REQUEST FOR ORAL ARGUMENT**

Pursuant to Local Rule 7.1(D), the Defendants request a hearing on their motion to dismiss.

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document  
was served upon the attorney of record for each other  
party by mail-hand on 1/28/05

and on  
the Plaintiff,  
*pro se*